

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-EIGHTH LEGISLATURE

SIXTY-FIFTH LEGISLATIVE DAY  
TUESDAY, MARCH 14, 2006

Senate Chamber

President Risch called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Burkett, Gannon, Schroeder, and Stennett, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Jessie McLeod, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 13, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

Senator Schroeder was recorded present at this order of business.

#### SJM 120

#### BY STATE AFFAIRS COMMITTEE

#### A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF  
THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO  
THE CONGRESSIONAL DELEGATION REPRESENTING THE  
STATE OF IDAHO IN THE CONGRESS OF THE UNITED  
STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, we recognize that federal agencies exchange and divest small or insignificant parcels of land; and

WHEREAS, almost sixty-four percent of Idaho is federal land; and

WHEREAS, there exists in the Congress of the United States a proposal to sell a significant portion of Idaho's federal land; and

WHEREAS, this federal land contributes to Idaho's economy in many ways including grazing, mining, timber production and recreation; and

WHEREAS, federal land in Idaho provides average Americans access to wild, natural areas; and

WHEREAS, the federal government has purchased significant amounts of land over the years with general fund moneys and land and water conservation funds; and

WHEREAS, there are many areas of the state where the federal government has increased their holdings such as the Stanley Basin; and

WHEREAS, if the federal government identifies surplus lands, they should cede them to the state through a public comment process as promised, to be managed for the benefit of public access and education; and

WHEREAS, Idahoans value outdoor experiences very highly and generations of Idahoans and other Americans have enjoyed this federal land through activities such as hunting, fishing, camping and hiking; and

WHEREAS, most Idahoans have found special places on federal land which give their lives meaning and enjoyment and the sale of a significant portion of this land would prohibit many from utilizing these places in the future.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we are opposed to any proposals which lead to a significant sale of federal land located in the state of Idaho.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

**SJM 120** was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

March 14, 2006

The JUDICIARY AND RULES Committee reports that **S 1443, S 1444, S 1445, S 1446, S 1447**, and **SCR 132** have been correctly printed.

DARRINGTON, Chairman

**S 1443, S 1444, S 1445, S 1446**, and **S 1447** were referred to the Finance Committee.

**SCR 132** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 13, 2006

March 13, 2006

The JUDICIARY AND RULES Committee reports that **S 1268, S 1269, S 1270, S 1271, S 1272, and S 1301** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1268, S 1269, S 1270, S 1271, S 1272, and S 1301** and ordered them transmitted to the House for the signature of the Speaker.

Senators Gannon and Stennett were recorded present at this order of business.

March 14, 2006

The FINANCE Committee reports out **S 1443, S 1444, S 1445, S 1446, and S 1447** with the recommendation that they do pass.

CAMERON, Chairman

**S 1443, S 1444, S 1445, S 1446, and S 1447** were filed for second reading.

March 13, 2006

The STATE AFFAIRS Committee reports out **HCR 47, HCR 60, and SCR 130** with the recommendation that they do pass.

BURTENSCHAW, Chairman

**HCR 47, HCR 60, and SCR 130** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 13, 2006

The FINANCE Committee reports out **H 766, H 767, H 782, and H 783** with the recommendation that they do pass.

CAMERON, Chairman

**H 766, H 767, H 782, and H 783** were filed for second reading.

March 13, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **H 636, H 546, and H 576** with the recommendation that they do pass and with the recommendation that they be placed on the Consent Calendar.

SCHROEDER, Chairman

**H 636, H 546, and H 576** were filed for second reading.

The RESOURCES AND ENVIRONMENT Committee reports out **HCR 36 and HCR 37** with the recommendation that they do pass.

SCHROEDER, Chairman

**HCR 36 and HCR 37** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 13, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **H 637, H 544, HJM 14, and HJM 20** with the recommendation that they do pass.

SCHROEDER, Chairman

**H 637 and H 544** were filed for second reading.

**HJM 14 and HJM 20** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 13, 2006

The JUDICIARY AND RULES Committee reports out **H 716, H 472, as amended, and H 634, as amended**, with the recommendation that they do pass.

DARRINGTON, Chairman

**H 716, H 472, as amended, and H 634, as amended**, were filed for second reading.

March 13, 2006

The EDUCATION Committee reports out **S 1427** with the recommendation that it do pass.

GOEDDE, Chairman

**S 1427** was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

March 11, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

### S 1315

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

### Messages from the House

March 13, 2006

Mr. President:

I transmit herewith **H 788, H 758, H 763, HCR 61, H 770, HJM 18**, as amended, **H 650**, as amended, **H 735**, as amended, **H 742**, as amended, **H 750**, as amended, **H 705**, as amended, **H 702**, as amended, **H 719**, as amended, **H 738**, as amended, and **H 709**, as amended, which have passed the House.

JUKER, Chief Clerk

**H 788, H 758, H 763, HCR 61, H 770, HJM 18**, as amended, **H 650**, as amended, **H 735**, as amended, **H 742**, as amended, **H 750**, as amended, **H 705**, as amended, **H 702**, as amended, **H 719**, as amended, **H 738**, as amended, and **H 709**, as amended, were filed for first reading.

March 13, 2006

Mr. President:

I return herewith **S 1256, S 1302, S 1304, S 1303**, and **S 1258** which have passed the House.

JUKER, Chief Clerk

**S 1256, S 1302, S 1304, S 1303**, and **S 1258** were referred to the Judiciary and Rules Committee for enrolling.

March 13, 2006

Mr. President:

I transmit herewith Enrolled **H 554, H 555, H 621, H 746, H 747, H 748, H 627, H 628, H 629, H 430, H 431, H 530**, and **H 589**, as amended, for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 554, H 555, H 621, H 746, H 747, H 748, H 627, H 628, H 629, H 430, H 431, H 530**, and **H 589**, as amended, and ordered them returned to the House.

Senator Burkett was recorded present at this order of business.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointment of Douglas Hancey was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Hill, seconded by Senator Langhorst, the Gubernatorial appointment of Douglas Hancey as a member of the Park and Recreation Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

#### S 1448

#### BY STATE AFFAIRS COMMITTEE

#### AN ACT

RELATING TO THE ORGANIZATION AND PROCEDURES OF THE REAPPORTIONMENT COMMISSION; AMENDING SECTION 72-1502, IDAHO CODE, TO LIMIT APPOINTMENTS TO THE COMMISSION TO ONE MEMBER FROM ANY COUNTY, TO PROHIBIT MEMBERS OF THE LEGISLATURE FROM SERVING, TO DELETE LANGUAGE PROHIBITING AN ELECTED OFFICIAL OR ELECTED LEGISLATIVE DISTRICT, COUNTY OR STATE PARTY OFFICER FROM SERVING ON THE COMMISSION, TO PROVIDE THAT A PERSON WHO HAS SERVED ON A COMMISSION FOR REAPPORTIONMENT SHALL BE PRECLUDED FROM SERVING IN EITHER HOUSE OF THE LEGISLATURE FOR TWO YEARS FOLLOWING SUCH SERVICE ON THE COMMISSION; AMENDING SECTION 72-1505, IDAHO CODE, TO PROVIDE A PROCEDURE FOR CONVENING A COMMISSION WHEN A PLAN IS INVALIDATED AND A COMMISSION IS CALLED TO MEET FURTHER; AND AMENDING SECTION 72-1506, IDAHO CODE, TO REVISE CRITERIA TO GOVERN A LEGISLATIVE PLAN.

**S 1448** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 788**, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

**H 758** and **H 763**, by State Affairs Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**HCR 61**, by Ways and Means Committee, was introduced, read at length, and referred to the Education Committee.

**H 770**, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

**HJM 18**, as amended, by Education Committee, was introduced, read at length, and referred to the Education Committee.

**H 650**, as amended, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

**H 735**, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 742**, as amended, and **H 750**, as amended, by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

**H 705**, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 702**, as amended, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

**H 719**, as amended, **H 738**, as amended, and **H 709**, as amended, by State Affairs Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

**S 1429**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 707** and **H 694**, by State Affairs Committee, were read the second time at length and filed for third reading.

**S 1442**, by Finance Committee, was read the second time at length and filed for third reading.

**H 524**, **H 525**, **H 527**, **H 528**, and **H 639**, by Resources and Conservation Committee, were read the second time at length and filed for third reading, Consent Calendar.

**S 1283**, by Schroeder, was read the second time at length and filed for third reading.

**H 526** and **H 529**, by Resources and Conservation Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

**H 671**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 671**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

**H 497**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Langhorst, Corder, and Bunderson arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Cameron, Corder, Darrington, Fulcher, Goedde, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, Richardson, Schroeder, Stennett, Sweet, Werk. Total - 21.

NAYS--Coiner, Compton, Gannon, Hill, Jorgenson, Little, McKenzie, Pearce, Stegner, Williams. Total - 10.

Absent and excused--Brandt, Burtenshaw, Davis, Geddes. Total - 4.

Total - 35.

Whereupon the President declared **H 497**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

**H 593** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--Broadsword, Keough. Total - 2.

Absent and excused--Brandt, Geddes. Total - 2.

Total - 35.

Whereupon the President declared **H 593** passed, title was approved, and the bill ordered returned to the House.

**H 614** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 614** passed, title was approved, and the bill ordered returned to the House.

**H 584** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 584** passed, title was approved, and the bill ordered returned to the House.

**H 587** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 587** passed, title was approved, and the bill ordered returned to the House.

**H 711** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 711** passed, title was approved, and the bill ordered returned to the House.

**H 718** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 718** passed, title was approved, and the bill ordered returned to the House.

**H 565**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 565**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 611**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 611**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 664** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Compton and Keough arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 664** passed, title was approved, and the bill ordered returned to the House.

**H 632** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 632** passed, title was approved, and the bill ordered returned to the House.

**H 633** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 633** passed, title was approved, and the bill ordered returned to the House.

**H 631** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 631** passed, title was approved, and the bill ordered returned to the House.

**H 432** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 432** passed, title was approved, and the bill ordered returned to the House.

**H 619** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators McGee and Brandt arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 619** passed, title was approved, and the bill ordered returned to the House.

**H 491** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 30.

NAYS--Geddes. Total - 1.

Absent and excused--Brandt, Bunderson, Burkett, Stennett. Total - 4.

Total - 35.

Whereupon the President declared **H 491** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

### General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President Pro Tempore called the Senate to order.

### Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **S 1246**, without amendment, and with the recommendation that it be recommitted to the State Affairs Committee; and **S 1243, S 1386, H 648, H 624, H 561, S 1423**, and **H 673**, without recommendation, amended as follows:

**SENATE AMENDMENT TO S 1243**  
AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 31, following "easements" insert: "known or reasonably identifiable to the condemning authority".

CORRECTION TO TITLE

On page 1, in line 6, following "EASEMENTS" insert: "KNOWN OR REASONABLY IDENTIFIABLE TO THE CONDEMNING AUTHORITY".

**SENATE AMENDMENT TO S 1386**  
AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 12 through 31 and insert:

"36-1406. STATUTE OF LIMITATION FOR MISDEMEANORS. (1) Notwithstanding any other provision of law, a prosecution for misdemeanors under the provisions of this title must be commenced by the issuance of a citation or filing of a complaint within two (2) years after its commission for ~~any of the following offenses:~~

(a) ~~Unlawfully taking or possessing any big game animal, caribou, or grizzly bear.~~

(b) ~~The unlawful sale or purchase of wildlife as set forth in section 36-501, Idaho Code.~~

(c) ~~Unlawfully purchasing, possessing or using any license, tag or permit by any person who does not reside in the state of Idaho at the time of purchase.~~

(2) Notwithstanding any other provision of law, a prosecution for misdemeanors under the provisions of this title must be commenced by the issuance of a citation or filing of a complaint within five (5) years after its commission: (a) for unlawfully taking or possessing any big game animal, caribou or grizzly bear; or (b) for unlawfully purchasing, possessing or using any license, tag or permit by any person who does not reside in the state of Idaho at the time of purchase.

(3) The prosecution for all other misdemeanors under this title must be commenced as provided in section 19-403, Idaho Code."

CORRECTION TO TITLE

On page 1, in line 6, following "COMMISSION" insert: "FOR UNLAWFULLY TAKING OR POSSESSING ANY BIG GAME ANIMAL, CARIBOU OR GRIZZLY BEAR OR".

**SENATE AMENDMENT TO H 648**  
AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 24, delete "normally".

**SENATE AMENDMENT TO H 624**  
AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 37, following "board" insert: ", provided however, such employee shall notify the board prior to disposal of said property".

CORRECTION TO TITLE

On page 1, in line 5, following "PROPERTIES" insert: "PROVIDED THE BOARD HAS BEEN NOTIFIED PRIOR TO DISPOSAL OF SAID PROPERTY".

**SENATE AMENDMENT TO H 561**  
AMENDMENTS TO SECTION 1

On page 1 of the printed bill, delete lines 12 through 16 and insert: "manufacturer's load rating, whichever is less. The width of a"; delete lines 18 through 20 and insert: "wall of the tire. Tires on vehicles manufactured prior to July 1, 1987, may exceed the six hundred (600) pounds per inch width of tire limit subject to a maximum of eight hundred (800) pounds per inch width of tire. This section"; and in line 22 delete "." and insert: "₂".

**SENATE AMENDMENT TO S 1423**  
AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 28, following "corporation" insert: ", labor organization, employment agency", also in line 28, delete "one (1)" and insert: "five (5)"; in line 29, delete "sons," and insert: "sons including relatives, and"; on page 2, in line 26, delete "or otherwise take into consideration"; and on page 3, delete lines 1 through 19 and insert:

"39-8304. ENFORCEMENT. (1) Whenever the attorney general has reason to believe that any employer is engaging, has engaged, or is about to engage in any act in violation of this chapter, the attorney general may bring an action in the name of the state against that employer:

(a) To obtain a declaratory judgment that the act violates the provisions of this chapter;

(b) To enjoin any act that violates the provisions of this chapter by issuance of a temporary restraining order or preliminary or permanent injunction, without bond, upon the giving of appropriate notice;

(c) To recover on behalf of the state and its agencies actual damages or restitution; or

(d) To recover civil penalties of up to twenty-five thousand dollars (\$25,000) per violation and reasonable expenses, investigative costs and attorney's fees.

(2) The penalties provided in this section are in addition to any other available remedy at law or equity.

(3) Any civil penalty imposed pursuant to this section shall be deposited in the state general fund."

CORRECTIONS TO TITLE

On page 1, in line 5, delete ", TO PROVIDE FOR A PRIVATE RIGHT OF"; and in line 6, delete "ACTION".

**SENATE AMENDMENTS TO H 673**  
AMENDMENTS TO SECTION 1

On page 2 of the printed bill, delete lines 14 and 15 and insert: "resort as described in section 23-957, Idaho Code, a one (1) time fee of twenty-five thousand dollars (\$25,000). For each beverage, lodging or dining facility"; in line 16, delete "boundaries" and insert: "premises"; in line 18, delete "bound-" and in line 19, delete "aries" and insert: "premises", also in line 19, delete "one" and insert: "two"; and in line 20, delete "(\$1,500)" and insert: "(\$2,500)".

AMENDMENTS TO SECTION 2

On page 2, in line 40, following the first "of" insert: "not more than three (3)"; in line 42, delete "boundaries" and insert: "premises"; in line 47, delete "boundaries" and insert: "premises" and also in line 47, following "resort" insert: ", provided that such license shall count against the maximum number of licenses allowed by subsection (1) of this section"; in line 50, delete

"boundaries" and insert: "premises"; in line 51, delete "boundaries" and insert: "premises"; on page 3, in line 2, delete "boundaries" and insert: "premises"; in line 5, delete "boundaries" and insert: "premises"; and in line 27, delete "boundaries" and insert: "premises".

#### CORRECTIONS TO TITLE

On page 1, delete line 5, and insert: "IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF NOT MORE THAN THREE"; in line 7, delete "BOUNDARIES" and insert: "PREMISES"; delete line 8 and insert: "PROVIDE FOR THE ISSUANCE OF A LIQUOR LICENSE WITHIN LIMITATIONS TO"; and in line 10, delete "BOUNDARIES" and insert: "PREMISES".

The Committee also has **S 1387, S 1241, H 695, H 582, H 676, H 421, H 422, S 1393, H 717**, as amended in the Senate, **H 680, H 678, and H 679**, under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Malepeai, the report was adopted by voice vote.

**S 1243**, as amended, **S 1386**, as amended, and **S 1423**, as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

**H 648**, as amended in the Senate, **H 624**, as amended in the Senate, **H 561**, as amended in the Senate, and **H 673**, as amended in the Senate, were filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

**S 1246** was recommitted to the State Affairs Committee.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business.

#### Petitions, Resolutions and Memorials

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:10 p.m. until the hour of 4:30 p.m. of this day.

#### RECESS AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senators Burtenshaw, Pearce, and Sweet, absent and formally excused by the Chair; and Senators Burkett, Cameron, Hill, Keough, Langhorst, Little, Malepeai, McKenzie, Stegner, Stennett, and Williams, absent and excused.

Prior to recess the Senate was at the Fifth Order of Business, Petitions, Resolutions and Memorials.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

#### Messages from the House

March 14, 2006

Mr. President:

I transmit herewith **H 617** and **H 776** which have passed the House.

JUKER, Chief Clerk

**H 617** and **H 776** were filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

#### Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

Senators Hill, Keough, and Stegner were recorded present at this order of business.

**H 617**, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

**H 776**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

#### Third Reading of Bills

Senators McKenzie and Stennett were recorded present at this order of business.

**H 538** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Call of the Senate was requested by Senators Darrington, Davis, and Werk.

Whereupon the President ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present except Senators Burtenshaw, Pearce, and Sweet, absent and formally excused by the Chair.

On request by Senator Darrington, granted by unanimous consent, the Call was lifted.

The question being, "Shall **H 538** pass?"



Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 31.

NAYS--Brandt. Total - 1.

Absent and excused--Burtenshaw, Pearce, Sweet. Total - 3.

Total - 35.

Whereupon the President declared **H 538** passed, title was approved, and the bill ordered returned to the House.

**H 539** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Burtenshaw, Pearce, Sweet. Total - 3.

Total - 35.

Whereupon the President declared **H 539** passed, title was approved, and the bill ordered returned to the House.

**H 645** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Burtenshaw, Pearce, Sweet. Total - 3.

Total - 35.

Whereupon the President declared **H 645** passed, title was approved, and the bill ordered returned to the House.

**H 605** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Darrington, Davis, Fulcher, Gannon, Goedde, Hill, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stennett, Werk. Total - 26.

NAYS--Corder, Geddes, Jorgenson, Little, Stegner, Williams. Total - 6.

Absent and excused--Burtenshaw, Pearce, Sweet. Total - 3.

Total - 35.

Whereupon the President declared **H 605** passed, title was approved, and the bill ordered returned to the House.

**H 606** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Coiner, Compton, Davis, Fulcher, Gannon, Goedde, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stennett, Werk. Total - 23.

NAYS--Cameron, Corder, Darrington, Geddes, Hill, Jorgenson, Little, Stegner, Williams. Total - 9.

Absent and excused--Burtenshaw, Pearce, Sweet. Total - 3.

Total - 35.

Whereupon the President declared **H 606** passed, title was approved, and the bill ordered returned to the House.

**H 607** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Compton and McGee arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Darrington, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, Richardson, Schroeder, Stennett, Werk, Williams. Total - 27.

NAYS--Corder, Geddes, Little, McKenzie, Stegner. Total - 5.

Absent and excused--Burtenshaw, Pearce, Sweet. Total - 3.

Total - 35.

Whereupon the President declared **H 607** passed, title was approved, and the bill ordered returned to the House.

**H 609** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Brandt, granted by unanimous consent, **H 609** retained its place on the Third Reading Calendar for one legislative day.

**S 1437** was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Little, Lodge, McGee, McKenzie, Richardson, Stegner, Williams.  
Total - 19.

NAYS--Brandt, Burkett, Compton, Gannon, Jorgenson, Kelly, Keough, Langhorst, Malepeai, Schroeder, Stennett, Werk.  
Total - 12.

Absent and excused--Burtenshaw, Marley, Pearce, Sweet.  
Total - 4.

Total - 35.

Whereupon the President declared **S 1437** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 5:35 p.m. until the hour of 9:30 a.m., Wednesday, March 15, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary